

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

CASE NO: 16-05746-EAG

DAVID COLLADO FERRER

CHAPTER 13

DEBTOR

MOTION FOR POST CONFIRMATION AMENDED PLAN

TO THE HONORABLE COURT:

COMES NOW DEBTOR, DAVID COLLADO FERRER, through the undersigned attorney and respectfully states and prays:

1. That the present case was confirmed on 06/04/2012.
2. The debtor needs to revise his plan payments to provide for post petition allowed claim of creditor Condado 3, LLC.
3. The debtor has agreed to pay the amount of \$ 500.00 for attorneys fees for the post confirmation amended plan, analysis of his financial situation, the filing of the present motion, plan and schedules.

(21) DAYS NOTICE: The trustee, creditors and parties in interest are hereby notified that unless a written objection is filed to the amended plan, the court may approve the same without a hearing on the matter.

WHEREFORE, the debtor request that the Court allow the debtor to modify the plan pursuant to § 1329 , confirmed the amended plan dated June 27, 2018 and grant the attorney fees in the amount of \$ 500.00.

CERTIFICATE OF SERVICE: I hereby certify that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to all participants using the CM/ECF System and I hereby certify that I have mailed by first class mail, United States Postal Service the documents to the following non CM/ECF participants as per the

attached mailing list.

In Yauco, Puerto Rico this 30 day of July, 2018.

/S/Nydia Gonzalez Ortiz
USDC-PR 124006
Attorney for Debtor
SANTIAGO & GONZALEZ LAW, LLC
11 Betances Street
Yauco, Puerto Rico 00698
Phones (787) 267-2205/2252
Fax: (787) 267-6211
[Email:bufetesg@gmail.com](mailto:bufetesg@gmail.com)

16-05746-EAG13 DAVID COLLADO FERRER

Case type: bk Chapter: 13 Asset: Yes Vol: v US BANKRUPTCY JUDGE: EDWARD A
GODOY

Date filed: 07/19/2016 Date of last filing: 07/18/2018 Plan confirmed: 06/26/2017

Creditors

A. GARCIA DISTRIBUTORS

PO BOX 142581

ARECIBO, PR 00614(4328468)

(cr)

AGRAMAR CORPORATION

PO BOX 9023927

SAN JUAN, PR 00902(4328469)

(cr)

ALMACEN KIKO VERA, INC

HC-3 900 CARR. 129 SUITE #1

ARECIBO, PR 00612(4328470)

(cr)

ATT MOBILITY

PO BOX 537104

Atlanta, GA 30353-7104(4328471)

(cr)

BANCO POPULAR

PO BOX 362708

SAN JUAN, PR 00936-3228(4328473)

(cr)

BANCO POPULAR

PO BOX 362708

SAN JUAN, PR 00936-3228(4328474)

(cr)

BANCO POPULAR

PO BOX 363228

SAN JUAN, PR 00936-3228(4328472)

(cr)

Banco Popular de Puerto Rico Special Loans

Migdalia Effie Guasp, Esq.

Special Loans Department (749)

PO Box 362708, San Juan, PR 00936-2708(4376252)

(cr)

BANCO SANTANDER

PO BOX 362589

San Juan, PR 00936(4328476)

(cr)

BANCO SANTANDER

PO BOX 362589

SAN JUAN, PR 00936-2589(4328475)

(cr)

BANCO SANTANDER PR

PO BOX 362589

SAN JUAN PR 00936(4465121)

(cr)

BISMARCK TRADING, INC

34 FRANCES STREET AMELIA INDUSTRIAL PARK

GUAYNABO, PR 00919(4328477)

(cr)

COMERCIAL WILLIAM CRUZ INC.

PO BOX 6293 MARINA STATION

MAYAGUEZ, PR 00681(4328478)

(cr)

CONDADO 3, LLC

C/O ISAYRA BAGUE DIAZ,ESQ.

PMB 181 PO BOX 4952

CAGUAS PR 00726(4585605)

(cr)

CORDIALSA

PO BOX 9021741

SAN JUAN, PR 00961(4328479)

(cr)

CRIM

PO BOX 195387

SAN JUAN, PR 00919-5387(4356301)

(cr)

CRIM

ATN. DIVISION DE COBROS Y EMBARGOS

PO BOX 195387

SAN JUAN, PR 00919(4328480)

(cr)

CRIM, Office Park III,

355 Ave. Hostos, Suite 102

Mayaguez, PR 00680-1507(4328481)

(cr)

DEPARTMENT OF JUSTICE

COMMON WEATH OF PUERTO RICO

PO BOX 9020102

SAN JUAN, PR 00902(4328483)

(cr)

DEPARTMENT OF JUSTICE

COMMON WEATH OF PUERTO RICO

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SAN JUAN, PR 00902(4328482)

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DIVERSIFIED CONSULTANTS, INC
PO BOX 1391
Southgate, MI 48195(4328484)
(cr)

DNA TITA SPICES GELATINAS
BOX 653

MERCEDITA, PR 00715(4328485)
(cr)

EL GUAGUERITO INC. RUTA 12
AVE. CARLOS J ANDALUZ MENDEZ
3-A-1 LOMAS VERDES
BAYAMON, PR 00956(4328486)
(cr)

ELMEC INDUSTRIES, INC.
PO BOX 3509
MAYAGUEZ, PR 00681-3509(4328487)
(cr)

GATESTONE
PO BOX 101928
Birmingham, AL 35210(4328488)
(cr)

GOBIERNO MUNICIPAL DE SABANA GRANDE
APARTADO 356
SABANA GRANDE, PR 00637(4328489)
(cr)

INTERNAL REVENUE SERVICE
Philadelphia, PA 19154-0030(4328490)
(cr)

JOSE MALGOR & COMPANY, INC.
PO BOX 902-1904
SAN JUAN, PR 00902(4328491)
(cr)

JRH INTERNATIONAL DISTRIBUTORS, CORP.
PO BOX 2066
CAGUAS, PR 00726(4328493)
(cr)

JRH INTERNATIONAL DISTRIBUTORS, CORP.
PO BOX 2066
CAGUAS, PR 00726(4328492)
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K-VAN DISTRIBUTORS
AVE. VICTORIA #487
AGUADILLA, PR 00603(4328494)
(cr)

MAR Y TIERRA
PMB #363 1353 #19 STREET

GUAYNABO, PR 00966(4328495)
(cr)
NESTLE PURINA PETCARE CARIBBEAN
PO BOX 364565
SAN JUAN, PR 00936(4328496)
(cr)
NORTHWESTERN SELECTA, INC
PO BOX 10718
SAN JUAN, PR 00922-0718(4353287)
(cr)
NORTHWESTERN SELECTA, INC.
599 CALLE 15 NW
SAN JUAN, PR 00920-2110(4328497)
(cr)
PROCESADORA CAMPOFRESCO, INC
BOX 755
SANTA ISABEL, PR 00757(4328498)
(cr)
PUERO RICO COFEE ROASTERS, LLC
PO BOX 13087
SAN JUAN, PR 00908(4328499)
(cr)
RJ REYNOLDS TOBACCO COMPANY
PO BOX 363509
SJ, PR 00936(4328500)
(cr)
SAN JUAN TRADING CO., INC.
PO BOX 366458
SAN JUAN, PR 00936-6458(4328501)
(cr)
SANTANDER FINANCIAL
EDF. PROF. #51
YAUCO, PR 00698(4328502)
(cr)
SANTANDER FINANCIAL
EDF. PROF. #51
YAUCO, PR 00698(4328503)
(cr)
SANTANDER FINANCIAL D/B/A ISLAND FINANCE
PO BOX 195369
SAN JUAN PR 00919-5369(4358359)
(cr)
SEARS
PO BOX 183081
COLUMBUS, OH 43218

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICOIn Re:
DAVID COLLADO FERRER

xxx-xx-4244Case No.: **16-05746**

Chapter 13

☐ Check if this is a pre-confirmation amended plan☒ Check if this is a post confirmation amended plan

Proposed by:

☒ Debtor(s)☐ Trustee☐ Unsecured creditor(s)

If this is an amended plan, list below the sections of the plan that have been changed.

Parts V: To provide for the 100% plus interest to the allowed unsecured creditors.

Puerto Rico Local Form G

Chapter 13 Plan dated July 30, 2018 .**PART 1: Notices****To Debtor(s):** This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable.*In the following notice to creditors, you must check each box that applies***To Creditors:** Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one. The headings contained in this plan are inserted for reference purposes only and shall not affect the meaning or interpretation of this plan.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you must file a timely proof of claim in order to be paid under this plan, unless ordered otherwise.

If a claim is withdrawn by a creditor or amended to an amount less than the amount already disbursed under the plan on account of such claim: (1) The trustee is authorized to discontinue any further disbursements to related claim; (2) The sum allocated towards the payment of such creditor's claim shall be disbursed by the trustee to Debtor's remaining creditors. (3) If such creditor has received monies from the trustee (Disbursed Payments), the creditor shall return funds received in excess of the related claim to the trustee for distribution to Debtor's remaining creditors. (4) If Debtor has proposed a plan that repays his or her creditors in full, funds received in excess of the related claim shall be returned to the Debtor.

The following matters may be of particular importance. Debtor(s) must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not included" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

1.1	A limit on the amount of a secured claim, set out in Section 3.2, which may result in a partial payment or no payment at all to the secured creditor	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section 3.4.	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.3	Nonstandard provisions, set out in Part 8.	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included

PART 2: Plan Payments and Length of Plan**2.1 Debtor(s) will make payments to the trustee as follows:**

PMT Amount	Period(s)	Period(s) Totals	Comments
\$292.00	7	\$2,044.00	

Debtor **DAVID COLLADO FERRER** Case number **16-05746**

\$435.00	3	\$1,305.00	
\$475.00	12	\$5,700.00	
\$695.00	38	\$26,410.00	
Subtotals	60 Months	\$35,459.00	

Insert additional lines if needed

If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in this plan.

2.2 Regular payments to the trustee will be made from future income in the following manner:

Check all that apply

- ☐ Debtor(s) will make payments pursuant to a payroll deduction order.
☒ Debtor(s) will make payments directly to the trustee.
☐ Other (specify method of payment): _____

2.3 Income tax refunds:

Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will comply with 11 U.S.C. § 1325(b)(2). If the Debtor(s) need(s) to use all or a portion of such "Tax Refunds," Debtor(s) shall seek court authorization prior to any use thereof.

2.4 Additional payments:

Check one.

- ☒ **None.** If "None" is checked, the rest of § 2.4 need not be completed or reproduced.

PART3: Treatment of Secured Claims

3.1 Maintenance of payments and cure of default, if any.

Check one.

- ☐ **None.** If "None" is checked, the rest of § 3.1 need not be completed or reproduced.
☒ The Debtor(s) will maintain the current contractual installment payments on the secured claims listed below, with any changes required by the applicable contract and noticed in conformity with any applicable rules. These payments will be disbursed either by the trustee or directly by the Debtor(s), as specified below. Any existing arrearage on a listed claim will be paid in full through disbursements by the trustee, with interest, if any, at the rate stated, pro-rated unless a specific amount is provided below. Unless otherwise ordered by the court, the amounts listed on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) control over any contrary amounts listed below as to the current installment payment and arrearage. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling. If relief from the automatic stay is ordered as to any item of collateral listed in this paragraph, then, unless otherwise ordered by the court, all payments under this paragraph as to that collateral will cease, and all secured claims based on that collateral will no longer be treated by the plan. The final column includes only payments disbursed by the trustee rather than by the Debtor(s).

Name of Creditor	Collateral	Current installment payments (including escrow)	Amount of arrearage (if any)	Interest rate on arrearage (if any)	Monthly PMT on arrearage	Estimated total payments by trustee
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Debtor		DAVID COLLADO FERRER		Case number		16-05746	
Name of Creditor	Collateral	Current installment payments (including escrow)	Amount of arrearage (if any)	Interest rate on arrearage (if any)	Monthly PMT on arrearage	Estimated total payments by trustee	
	49 ANGEL D MARTINEZ ST SANBANA GRANDE, PR 00607 SABANA GRANDE County TWO STORY SPLIT COMMERCIAL PROPERTY SECOND FLOOR HAS TWO APARTMENTS PROPERTY VALUE AT \$ 105,000.00 VALUE TO DEBTOR'S ESTATE 52,500.00						
BANCO POPULAR		\$450.00	\$0.00	0.00%	\$0.00	\$0.00	
		Disbursed by:		0	Months	Starting on Plan Month	60
		<input type="checkbox"/> Trustee					
		<input checked="" type="checkbox"/> Debtor(s)					

Insert additional claims as needed.

3.2 **Request for valuation of security, payment of fully secured claims, and modification of undersecured claims.**

Check one.

☒ **None.** If "None" is checked, the rest of § 3.2 need not be completed or reproduced.

3.3 **Secured claims excluded from 11 U.S.C. § 506.**

Check one.

☒ **None.** If "None" is checked, the rest of § 3.3 need not be completed or reproduced.

3.4 **Lien Avoidance.**

Check one.

☒ **None.** If "None" is checked, the rest of § 3.4 need not be completed or reproduced.

3.5 **Surrender of collateral.**

Check one.

☐ **None.** If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

☒ The Debtor(s) elect to surrender to each creditor listed below the collateral that secures the creditor's claim. The Debtor(s) request that upon confirmation of this plan, the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only and that the stay under § 1301 be terminated in all respects. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 5 below.

Name of creditor

Collateral

Debtor DAVID COLLADO FERRER	Case number 16-05746
Name of creditor BANCO SANTANDER	Collateral CALLE 2 # 181 BARRIO ARENAS Guanica, PR 00653 Guanica County CEMENT HOUSE, GARAGE, 3 BEDROOMS, LIVING ROOM, KITCHEN, DINING ROOM, 1 BATH LOCATED AT: BARRIO ARENA STREET 2 #96 GUANICA PR

Insert additional claims as needed.

3.6 Pre-confirmation adequate protection monthly payments ("APMP") to be paid by the trustee.

☐ Payments pursuant to 11 USC §1326(a)(1)(C):

<i>Name of secured creditor</i>	<i>\$ Amount of APMP</i>	<i>Comments</i>
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-NONE-

Insert additional claims as needed.

Pre-confirmation adequate protection payments made through the plan by the trustee are subject to the corresponding statutory fee.

3.7 Other secured claims modifications.

Check one.

☐ **None.** If "None" is checked, the rest of § 3.7 need not be completed or reproduced.

☒ Secured claims listed below shall be modified pursuant to 11 U.S.C. § 1322(b)(2) and/or § 1322(c)(2). Upon confirmation, the trustee shall pay the allowed claim as expressly modified by this section, at the annual interest rate and monthly payments described below. Any listed claim will be paid in full through disbursements by the trustee, with interest, if any, at the rate stated, pro-rated unless a specific amount is provided below. Unless otherwise ordered by the court, the amounts listed on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) control over any contrary amounts listed below. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling. If no monthly payment amount is listed below, distribution will be prorated according to plan section 7.2.

Name of creditor	Claim ID#	Claim Amount	Modified interest rate	Modified term (Months)	Modified P&I	Property taxes (Escrow)	Property Insurance (Escrow)	Total monthly payment	Estimated total PMTs by trustee
CRIM	POC 2	\$13,410.66	0.00%						\$13,410.66
		<input checked="" type="checkbox"/> To be paid in full 100%							
								Starting on Plan Month	

Insert additional claims as needed.

PART 4: Treatment of Fees and Priority Claims

4.1 General

Trustee's fees and all allowed priority claims, including domestic support obligations other than those treated in § 4.5, will be paid in full without postpetition interest.

Debtor DAVID COLLADO FERRER

Case number 16-05746

4.2 **Trustee's fees**

Trustee's fees are governed by statute and may vary during the term of the plan, nevertheless are estimated for confirmation purposes to be 10 % of all plan payments received by the trustee during the plan term.

4.3 **Attorney's fees**

Check one.

☒ **Flat Fee:** Attorney for Debtor(s) elect to be compensated as a flat fee for their legal services, up to the plan confirmation, according to LBR 2016-1(f).

OR

☐ **Fee Application:** The attorneys' fees amount will be determined by the court, upon the approval of a detailed application for fees and expenses, filed not later than 14 days from the entry of the confirmation order.

Attorney's fees paid pre-petition:

\$ 300.00

Balance of attorney's fees to be paid under this plan are estimated to be:

\$ 2,700.00

If this is a post-confirmation amended plan, estimated attorney's fees:

\$ 500.00

4.4 **Priority claims other than attorney's fees and those treated in §§ 4.5, 4.6**

Check one.

☐ **None.** If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

☒ The Trustee shall pay in full all allowed claims entitled to priority under §507, §1322(a)(2), estimated in \$1,494.16

Name of priority creditor

Estimate amount of claim to be paid

CRIM

\$718.12

GOBIERNO MUNICIPAL DE SABANA GRANDE

\$776.04

Insert additional claims as needed.

4.5 **Domestic support obligations assigned or owed to a governmental unit and paid less than full amount.**

Check one.

☒ **None.** If "None" is checked, the rest of § 4.5 need not be completed or reproduced.

4.6 **Post confirmation property insurance coverage**

Check one.

☒ **None.** If "None" is checked, the rest of § 4.6 need not be completed or reproduced.

PART 5: Treatment of Nonpriority Unsecured Claims

5.1 **Nonpriority unsecured claims not separately classified.**

Allowed nonpriority unsecured claims that are not separately classified will be paid pro rata. If more than one option is checked, the option providing the largest payment will be effective.

Check all that apply.

☐ The sum of \$ _____.

☐ _____ % of the total amount of these claims, an estimated payment of \$ _____.

☒ The funds remaining after disbursements have been made to all other creditors provided for in this plan.

☒ If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$ 36,417.00.

5.2 **Maintenance of payments and cure of any default on nonpriority unsecured claims.**

Check one.

Debtor DAVID COLLADO FERRER

Case number 16-05746

☒ **None.** If "None" is checked, the rest of § 5.2 need not be completed or reproduced.

5.3 Other separately classified nonpriority unsecured claims.
Check one.

☒ **None.** If "None" is checked, the rest of § 5.3 need not be completed or reproduced.

PART 6: Executory Contracts and Unexpired Leases

6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected.

Check one.

☒ **None.** If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

PART 7: Vesting of Property of the Estate & Plan Distribution Order

7.1 Property of the estate will vest in the Debtor(s) upon

Check the applicable box:

- ☒ Plan confirmation.
☐ Entry of discharge.
☐ Other: _____

7.2 Plan distribution by the trustee will be in the following order:

(The numbers below reflect the order of distribution; the same number means prorated distribution among claims with the same number.)

1. Distribution on Adequate Protection Payments (Part 3, Section 3.6)
1. Distribution on Attorney's Fees (Part 4, Section 4.3)
1. Distribution on Secured Claims (Part 3, Section 3.1) – *Current contractual installment payments*
2. Distribution on Post Confirmation Property Insurance Coverage (Part 4, Section 4.6)
2. Distribution on Secured Claims (Part 3, Section 3.7)
2. Distribution on Secured Claims (Part 3, Section 3.1) – Arrearage payments
3. Distribution on Secured Claims (Part 3, Section 3.2)
3. Distribution on Secured Claims (Part 3, Section 3.3)
3. Distribution on Secured Claims (Part 3, Section 3.4)
3. Distribution on Unsecured Claims (Part 6, Section 6.1)
4. Distribution on Priority Claims (Part 4, Section 4.4)
5. Distribution on Priority Claims (Part 4, Section 4.5)
6. Distribution on Unsecured Claims (Part 5, Section 5.2)
6. Distribution on Unsecured Claims (Part 5, Section 5.3)
7. Distribution on General Unsecured claims (Part 5, Section 5.1)

Trustee's fees are disbursed before each of the distributions above described pursuant to 28 U.S.C. § 586(e)(2).

PART 8: Nonstandard Plan Provisions

8.1 Check "None" or list the nonstandard plan provisions

☐ **None.** If "None" is checked, the rest of Part 8 need not be completed or reproduced.

Under Bankruptcy Rule 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the Official Form or deviating from it. Nonstandard provisions set out elsewhere in this plan are ineffective.

Each paragraph below must be numbered and labeled in boldface type, and with a heading stating the general subject matter of the paragraph.

The following plan provisions will be effective only if there is a check in the box "Included" in § 1.3.

8.2 This Section modifies LBF-G, Part 3: Retention of Lien: The lien holder of any allowed secured claim, provided for by the plan, in its Part 3, will retain its lien according to the terms and conditions required by 11 USC 1325(a)(5)(B)(i)(I) & (II).

Debtor DAVID COLLADO FERRER

Case number 16-05746

8.3 This Provision Supplements Part 3 to provide for the Lifting of the 362(a) Stay: Upon the confirmation of this plan the automatic stay pursuant to Section 362(a) will be lifted in favor of BANCO SANTANDER, as to collateral related to POC No. 4-1.

8.4 This Provision Supplements Part 5 to provide for the payment of 100% plus 4.25% interest of the allowed unsecured claims.

Insert additional lines as needed.

PART 9: Signature(s)

/s/ NYDIA GONZALEZ ORTIZ, ESQ.

Date July 30, 2018

NYDIA GONZALEZ ORTIZ, ESQ.

Signature of Attorney of Debtor(s)

/s/ DAVID COLLADO FERRER

Date July 30, 2018

DAVID COLLADO FERRER

By filing this document, the attorney for Debtor(s) or Debtor(s) themselves, if not represented by an attorney, also certify(ies) that the wording and order of the provisions in this chapter 13 plan are identical to those contained in Local Form G (LBF-G), other than any nonstandard provisions included in Part 8.